

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Estate of Keith George Church,

Deceased Plaintiff,

v.

Jacqueline Tubbs,

Defendant.

Case No. 2:04-CV-75069

Hon. George Caram Steeh

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JUDGMENT

On December 6, 2005, the Court having entered an Order denying the Defendant's Motion for Summary Disposition, on March 7, 2006, the Court having entered an Order Modifying the December 6, 2005 Order (#12) on Submission of Supplemental Briefs in Support of Summary Disposition, Granting Summary Judgment in Part in Favor of the Plaintiff Estate, and Granting Summary Judgment, in Part, to

Defendant Tubbs, the Defendant having preserved her objections to the court's subject matter jurisdiction, and the Court being advised in the premises,

IT IS ORDERED:

1. The Plaintiff Estate is entitled to recover the engagement ring or its \$7,274.42 value from the Defendant, Jacqueline Tubbs, as a matter of Michigan Law. Meyer, 244 Mich. App. at 703-704; Redding, 241 F.3d at 532; E.E.O.C., 996 F.Supp.2d at 713.

If Jacqueline Tubbs does not return the engagement ring, the Plaintiff Estate has a monetary judgment for this amount against Jacqueline Tubbs, and execution may issue.

2. The Plaintiff Estate is entitled below described Michigan property, partitioned as a matter of law. Redding, 241 F.3d at 532; E.E.O.C., 996 F.Supp.2d at 713.

Plaintiff Estate is awarded the complete right, title, interest and possession of the below-described property, free and clear of any claim, right, title or interest of the Defendant, Jacqueline Tubbs:

Land and residential home located at 3865 S. Sandusky Road, Peck, Michigan, in the Township of Elk, Sanilac County, Michigan, described as:

Commencing at the South quarter corner of Section 10, Town 10 North, Range 14 East, thence North 01 degrees 35 minutes 40 seconds West 990.0 feet along the North-South quarter line to the point of beginning. RUNNING THENCE North 01 degrees 35 minutes 40 seconds West 330.25 feet along the North-South quarter line, thence North 89 degrees 54 minutes 14 seconds East 660.26 feet, thence South 01 degrees 35 minutes 40 seconds East 331.68 feet, thence North 89 degrees 58 minutes 20 seconds West 660.30 feet to the point of beginning.

3. The Plaintiff Estate is awarded a money judgment against the Defendant Jacqueline Tubbs in the amount of \$75,000.00 (the amount of a mortgage executed by the Defendant Jacqueline Tubbs to Quicken Loans Inc., dated December 19, 2005, and recorded December 27, 2005, in Liber 927, Page 871, less credits to Jacqueline Tubbs in the amount of \$13,000.00 for real property taxes she paid from 2000 through 2005, or a modified money judgment in the amount of \$62,000.00 and execution may issue.

4. The court lacks federal subject matter jurisdiction to decide whether the alleged \$4,100.00 debt was released under Keith George Church's Will.

5. The Plaintiff Estate is entitled to decedent Keith Church's personal property, including a \$4,560.00 family heirloom diamond ring, or its values from the Defendant Tubbs as a matter of Michigan law. If the ring is not returned, the Plaintiff Estate shall have a money judgment against the Defendant Jacqueline Tubbs in the amount of \$4,560.00 and execution may issue.

Dated: August 15, 2006

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Approved as to form only:

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